



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,728	07/01/2003	Glen J. Anderson	P1471US01	6138

32708 7590 10/25/2005

GATEWAY, INC.
ATTN: SCOTT CHARLES RICHARDSON
610 GATEWAY DRIVE
MAIL DROP Y-04
NORTH SIOUX CITY, SD 57049

EXAMINER

OSORIO, RICARDO

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,728

Applicant(s)

ANDERSON, GLEN J.

Examiner

RICARDO L. OSORIO

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 and 29-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 and 29-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-23, 30-38 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stavely et al (6,717,075) in view of Henty (6,094,156).

Regarding claim 11, Stavely teaches of a multi-sided input device for operating one or more electronic apparatuses (Figs. 1-3), the device comprising; at least three sets of input controls (Fig. 3), each set sufficient to operate at least one of the electronic apparatuses (col. 2, line 62-col. 3, line 8); a plurality of user-accessible surfaces (Fig. 2A, reference characters 210-214), the surfaces sized to contain substantially all of the input controls of a corresponding set (col. 2, lines 62-col. 3, line 8).

However, Stavely does not precisely teach of one of the electronic apparatuses comprising a computer.

Henty teaches of a multi-sided input device for operating more than two electronic apparatuses wherein one of the electronic apparatuses comprises a computer (col. 2, lines 2-7, Fig. 2B and col. 4, lines 51-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have computer input controls, as taught by Henty, in the device of Stavely to provide a full function remote control system, that controls both a

Art Unit: 2673

TV and a PC, which is not cumbersome nor intrusive on the living room environment (see Henty, col. 2, lines 3-7).

Regarding claim 12, Stavely teaches means of operatively connecting a selected one of the sets of input controls to a corresponding electronic apparatus (Stavely does not specifically mention means for operatively connecting a set of input controls to a corresponding electronic apparatus. Stavely refers to a remote control (see col. 2, line 61). It is inherent for a remote control to have means (IR, radio, etc.) for operatively connecting a selected one of the input controls to a corresponding electronic apparatus.

Regarding claim 13, Stavely teaches of the connecting means comprising a gravity switch responding to rotation of the device to activate a set of input controls in a user-accessible position (col. 2, lines 35-40).

Regarding claims 14 and 38, Stavely does not precisely teach of the input device operating two different software applications on the computer.

Henty teaches of one of the input devices including a conventional QWERTY keyboard and a mouse, etc.

Although Henty is silent as to the computer input controls operating two different software applications, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the PC or computer input controls being used for at least two software applications on the computer, in the combined device of Stavely and Henty because it is overwhelmingly known in the art of PCs and their peripheral input devices that such input devices, as mentioned above, operate at least two, if not an unlimited number of software applications on the computer.

Regarding claim 15, Stavely teaches of the surfaces on which the sets of input controls are disposed are substantially planar (see Fig. 2C, reference characters 212, 214).

Regarding claim 16, Stavely teaches of the input device comprising a housing with an outer surface, and the user-accessible surfaces are arranged to face outwardly along the outer surface of the housing (see Fig. 1A, reference characters 210-214).

Regarding claim 17, Stavely teaches of the input device having a somewhat block-shaped form, the surfaces on which the sets of input controls are disposed comprising faces of the block-like form (see Fig. 2B).

Regarding claim 18, Stavely, further, teaches of four sets of input controls, wherein the input device has two opposite end faces and four side faces, the user-accessible surfaces on which the input controls are disposed corresponding to the four side faces (see Figs. 2B and 3, and col. 2, line 61-col. 3, line 19).

Regarding claims 19, 30-37, and 41-43, Stavely teaches of the input controls comprising an alphanumeric keyboard, a stereo remote, and a TV remote (see col. 1, lines 14-20).

However, Stavely does not specifically teach of a game controller, or console, and a CD/DVD .

Henty teaches of a game controller, or console (col. 1, lines 9-12) and CD/DVD (col. 3, lines 51-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the game controller or the CD/DVD controller, as taught by Henty, as two of the input controls in the device of Stavely because game

Art Unit: 2673

systems and CD/DVD systems are well-known in the art of entertainment devices to be controlled by a remote control (col. 1, lines 9-12 and col. 3, lines 51-55).

Regarding claim 20, Stavely teaches of a multi-media system, the system having a plurality of electronic subsystems for reading or processing information from corresponding information sources (col. 1, lines 16-19 and col. 2, lines 59-66), the subsystems selected from a group consisting of a television, stereo, etc, (col. 1, lines 17-18) the system further comprising a multi-sided input device for operating the plurality of subsystems (Figs. 1-3), the input device comprising input controls grouped into sets sufficient to operate at least one corresponding electronic subsystem (col. 2, lines 61-66), the device further comprising a plurality of user activatable surfaces, the surfaces sized to contain substantially all of the input controls of a corresponding set (col. 2, lines 61-66).

However, Stavely does not precisely teach of at least one subsystem comprising a computer.

Henty teaches of a multi-sided input device for operating more than two electronic apparatuses wherein one of the electronic apparatuses, or subsystems comprises a computer (col. 2, lines 2-7, Fig. 2B and col. 4, lines 51-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have computer input controls, as taught by Henty, in the device of Stavely to provide a full function remote control system, that controls both a TV and a PC, which is not cumbersome nor intrusive on the living room environment (see Henty, col. 2, lines 3-7).

Regarding claim 21, Stavely teaches of a two-sided remote having TV controls on one side and controls for the electronic subsystem on the other side (col. 2, lines 61-66).

Art Unit: 2673

Regarding claim 22, Stavely does not precisely teach of the input device comprising two sets of input controls, one for the computer and one for the different electronic subsystem.

Henty teaches of the input device comprising two sets of input controls, one for the computer and one for the different electronic subsystem (col. 3, lines 49-55 and col. 4, lines 51-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the computer input control subsystem and a different set of input control subsystem, as taught by Henry, in the device of Stavely to provide a full function remote control system, that controls both a TV and a PC, which is not cumbersome nor intrusive on the living room environment (see Henty, col. 2, lines 3-7).

Regarding claim 23, Stavely does not precisely teach of the set of input controls for the computer comprising an alphanumeric keyboard.

Henty teaches that the set of input controls for the computer comprising an alphanumeric keyboard (Fig. 2B, reference character 48, and col. 4, lines 51-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the keyboard as part of the computer control set of inputs because keyboards are overwhelmingly known in the arts of PC input devices to be used for inputting info in a computer.

Art Unit: 2673

3. Claims 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stavely et al (6,717,075) in view of Henty (6,094,156) as applied to claims 11, 14, 20 and 38 above, and further in view of Masakasu (JP 60095624 A).

Regarding claims 29 and 39, further, Stavely, as anticipated by Henry, does not specifically teach of comprising two corresponding sets of input controls for the two different software applications.

Masakasu teaches of two corresponding sets of input controls for the two different software applications (see Constitution, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have two input controls for two different software applications, as taught by Masakasu, in the combined device of Stavely and Henty, so that the desired keyboard, related to the specific software, can be operated optionally (Constitution, lines 1-10), and it is more economic to have two input devices in the same module, and two different languages or softwares can be used with the same input device.

Response to Arguments

4. Applicant's arguments with respect to claims 11 and 20 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2673

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2673

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Ricardo L. Osorio", written in a cursive style.

Ricardo L. Osorio
Primary Examiner
Art Unit: 2673

RLO
October 19, 2005